

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC ANNUAL COST RECOVERY)	
FILING FOR DEMAND SIDE MANAGEMENT BY)	CASE NO.
DUKE ENERGY KENTUCKY, INC.)	2016-00382

ORDER

On January 12, 2017, Duke Energy Kentucky, Inc. (“Duke Kentucky”) filed a petition, pursuant to KRS 61.878 and 807 KAR 5:001, Section 13, requesting that the Commission grant confidential protection to portions of its responses to Commission Staff’s First Request for Information (“Staff’s First Request”). The designated materials for which confidential protection is requested are more specifically described as an attachment to Duke Kentucky’s response to Staff’s First Request, Item 9, which contains Duke Kentucky’s avoided-costs information by program that Duke Kentucky uses in evaluating its demand-side management programs.

In support of its petition, Duke Kentucky states that public disclosure of the designated material would give Duke Kentucky’s vendors and competitors a distinct commercial advantage regarding Duke Kentucky’s operations. Duke Kentucky states that the information in the designated materials could be used by potential counter parties to undermine Duke Kentucky’s efforts to reduce costs, which would ultimately harm Duke Kentucky’s customers.

Having carefully considered the motion and the materials at issue, the Commission finds that:

1. The attachment to Duke Kentucky's response to Staff's First Request, Item 9, for which Duke Kentucky seeks confidential treatment, meets the criteria for confidential treatment and is exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) Section 13, and 807 KAR 5:001, Section 13.

2. Pursuant to KRS 61.878, the materials for which Duke Kentucky requests confidential protection should not be placed in the public record or made available for public inspection for a period of ten years from the date of this Order, or until further Order of the Commission.

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's petition for confidential protection for the designated materials contained in its responses to Staff's First Request, Item 9, is granted.

2. The designated materials set forth in Duke Kentucky's responses to Staff's First Request, Item 9, shall not be placed in the public record or made available for public inspection for a period of ten years from the date of this Order, or until further Orders of this Commission.

3. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

4. Duke Kentucky shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not expired, then Duke Kentucky shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Duke Kentucky is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow Duke Kentucky to seek a remedy afforded by law.

By the Commission

ENTERED
FEB 20 2017
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


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